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HOMICIDE, AND THEN I HAVE ALSO TAKEN THE LIBERTY OF HAVING TYPED NEAR THE CHARGE, THE PERSON WHO IS ALLEGED TO HAVE BEEN THE VICTIM OF EACH ONE OF THOSE OFFENSES, AND WITH REGARD TO ELLIS ROY PRICE AND THE CHARGE OF CRIMINAL ATTEMPT TO COMMIT CRIMINAL HOMICIDE, I HAVE PLACED AT THE TOP RICHARD PLETCHER, AND YOU WILL NOTICE IN THE CENTER OF THE VERDICT SLIP, THE LARGE WORD "VERDICT", A PLACE FOR THE DATE TO BE PLACED, AND A LARGE SPACE WHERE THE VERDICT THAT YOU FIND WOULD BE WRITTEN IN AND A PLACE WHERE YOUR FOREPERSON, FORMERLY KNOWN AS THE FOREMAN, WILL SIGN. NOW, CONSIDERING THIS VERDICT SLIP, IF AFTER YOU CONSIDER ALL OF THE EVIDENCE IN THE CASE IN LIGHT OF THE LAW AS I GIVE IT TO YOU, IF YOU ARE SATISFIED BEYOND A REASONABLE DOUBT THAT THE COMMONWEALTH HAS PROVEN TO YOU THAT THE DEFENDANT, ELLIS ROY PRICE, IS GUILTY OF CRIMINAL ATTEMPT TO COMMIT CRIMINAL HOMICIDE, THEN YOUR FOREPERSON WILL WRITE IN THE LARGE SPACE THE WORD "GUILTY". ON THE OTHER HAND, IF YOU ARE NOT SATISFIED BEYOND A REASONABLE DOUBT THAT THE DEFENDANT IS GUILTY OF THIS OFFENSE, THEN YOUR FOREPERSON WILL WRITE THE WORDS "NOT GUILTY" ON THIS VERDICT SLIP, AND IT WILL BE DATED AND SIGNED. ANOTHER VERDICT SLIP IN THE CASE OF ELLIS ROY PRICE IS FOR THE CHARGE OF AGGRAVATED ASSAULT, AND AGAIN I HAVE PLACED THE NAME OF THE ALLEGED VICTIM, RICHARD PLETCHER. NOW, AS I STATED WITH REGARD TO THIS OFFENSE, THERE ARE TWO THEORIES THAT THE COMMONWEALTH IS RELYING UPON. NOW, IF YOU FIND FROM ALL OF THE EVIDENCE IN THIS CASE IN LIGHT OF THE LAW AS I GIVE IT TO YOU THAT THE COMMONWEALTH HAS NOT

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PROVEN THAT THE DEFENDANT IS GUILTY OF THIS CRIME BEYOND A REASONABLE DOUBT UNDER ANY OF THESE THEORIES, THEN YOUR FOREPERSON WILL MERELY PLACE AN "X" IN FRONT OF THE WORDS THAT WE HAVE TYPED "NOT GUILTY", AND THEN IF YOU FIND THAT THE COMMONWEALTH HAS PROVEN TO YOU BEYOND A REASONABLE DOUBT THAT THE DEFENDANT IS GUILTY OF AGGRAVATED ASSAULT, UNDER EITHER OR BOTH OF THE THEORIES THAT I HAVE OUTLINED FOR YOU, THEN YOUR FOREPERSON WILL PLACE AN "X" IN FRONT OF EITHER ONE OF THESE OR BOTH OF THESE STATEMENTS THAT BEGINS WITH "GUILTY" AND THE THEORY IS RECITED AFTER. FOR EXAMPLE, THE FIRST THEORY OF GUILT IS, DID ATTEMPT TO CAUSE OR INTENTIONALLY, KNOWINGLY, OR RECKLESSLY DID CAUSE SERIOUS BODILY INJURY TO RICHARD PLETCHER UNDER CIRCUMSTANCES MANIFESTING AN EXTREME INDIFFERENCE TO THE VALUE OF HUMAN LIFE. THE OTHER THEORY, DID ATTEMPT TO CAUSE OR INTENTIONALLY OR KNOWINGLY DID CAUSE BODILY INJURY TO RICHARD PLETCHER WITH A DEADLY WEAPON. NOW, IF YOU FIND THE DEFENDANT NOT GUILTY, YOU DO NOT CONCERN YOURSELVES WITH THE TWO THEORIES. YOU ONLY CONCERN YOURSELVES WITH THE TWO THEORIES IN THE EVENT YOU ARE SATISFIED THAT THE COMMONWEALTH HAS CONVINCED YOU BEYOND A REASONABLE DOUBT OF THE DEFENDANT'S GUILT UNDER EITHER OR BOTH OF THE THEORIES. THE OTHER VERDICT SLIP AGAINST ELLIS ROY PRICE IS FOR THE CRIME OF RECKLESSLY ENDANGERING ANOTHER PERSON AND THE ALLEGED VICTIM IS RICHARD PLETCHER, AND, AGAIN, IF YOU ARE SATISFIED BEYOND A REASONABLE DOUBT THAT THE COMMONWEALTH HAS PROVEN TO YOU THAT ELLIS ROY PRICE IS GUILTY OF THIS OFFENSE, THEN YOUR FOREPERSON WILL WRITE THE WORD "GUILTY". IF YOU ARE NOT

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SATISFIED BEYOND A REASONABLE DOUBT THAT THE DEFENDANT, ELLIS ROY PRICE, IS GUILTY OF RECKLESSLY ENDANGERING ANOTHER PERSON, THEN YOUR FOREPERSON WILL WRITE THE WORDS "NOT GUILTY" IN THE LARGE SPACE, THE VERDICT SLIP WILL BE DATED AND SIGNED. AND THE SAME PROCEDURE WILL FOLLOW IN THE CASES INVOLVING ROBERT KEITH PRICE. NOW, YOU WILL NOTICE IN THE CASE OF ROBERT KEITH PRICE, THAT WE HAVE VERDICT SLIPS WHERE THE ALLEGED VICTIM IS RAYMOND RICKER, AND THERE WILL BE ONE VERDICT SLIP FOR CRIMINAL ATTEMPT TO COMMIT CRIMINAL HOMICIDIE, AGGRAVATED ASSAULT, AND RECKLESSLY ENDANGERING ANOTHER PERSON, AND WE HAVE THE SAME VERDICT SLIPS FOR THE CHARGES WHERE RICHARD PLETCHER IS THE ALLEGED VICTIM. THAT IS, THERE WILL BE VERDICT SLIPS FOR THE CHARGE OF CRIMINAL ATTEMPT TO COMMIT CRIMINAL HOMICIDE, AGGRAVATED ASSAULT, AND RECKLESSLY ENDANGERING ANOTHER PERSON, AND YOU WILL FOLLOW THE SAME PROCEDURE IN DECIDING THE VERDICTS IN THIS CASE INVOLVING ROBERT KEITH PRICE AS I OUTLINED FOR YOU IN DECIDING THE CASE AGAINST ELLIS ROY PRICE. AS I STATED, ONCE YOU GET THESE VERDICTS SLIPS WITH THIS EXPLANATION, I DON'T THINK YOU WILL HAVE ANY PROBLEMS.

NOW, AS I HAVE STATED TO YOU, YOU AND YOU ALONE ARE THE SOLE JUDGES OF THE FACTS. YOU ARE KNOWN AS THE DETERMINERS OF THE FACTS. IT WILL BE YOUR DUTY TO DECIDE THOSE FACTS AND NOBODY ELSE'S DUTY. YOU ARE NOT BOUND BY ANYTHING THAT THE LAWYERS MAY HAVE STATED REGARDING THE FACTS. AS A MATTER OF FACT, IF THE COURT, IF I, HAVE STATED ANYTHING REGARDING THE FACTS, YOU ARE NOT BOUND BY THOSE STATEMENTS, BECAUSE YOU AND YOU

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ALONE WILL DECIDE THE FACTS. IF AT ANY POINT THE STATEMENTS OF THE LAWYERS OR THE STATEMENTS OF THE COURT WITH REGARD TO THE FACTS DISAGREE WITH YOUR RECOLLECTION OF THE FACTS, IT IS YOUR RECOLLECTION OF THE FACTS THAT CONTROLS, BECAUSE AS I SAID, YOU ARE THE DETERMINERS OF THE FACTS.

IT IS ALSO YOUR RESPONSIBILITY, MEMBERS OF THE JURY, TO DECIDE UPON CREDIBILITY, THAT IS THE BELIEVABILITY OF THE WITNESSES THAT YOU HAVE HEARD. IT IS UP TO YOU TO DECIDE THE WEIGHT AND THE VALUE THAT YOU WILL GIVE TO THE TESTIMONY OF THE WITNESSES. WHERE THE TESTIMONY IS IN CONFLICT, YOU WILL RECONCILE IT IF YOU CAN. IF YOU CANNOT RECONCILE THE TESTIMONY, THEN YOU WILL HAVE TO DETERMINE WHAT TESTIMONY IS BELIEVABLE AND ACCEPTABLE BY YOU AND WHAT TESTIMONY IS NOT BELIEVABLE AND NOT ACCEPTABLE. IN DECIDING THE DEGREE OF CREDIBILITY OR BELIEVABILITY THAT A WITNESS SHOULD HAVE, YOU SHOULD BEAR IN MIND YOUR OWN INTELLIGENT JUDGMENT AND USE SUCH REASONABLE STANDARDS AS YOU APPLY IN YOUR OWN EVERYDAY LIVES IN SEEKING FOR TRUTH IN MATTERS OF IMPORTANCE THAT MAY GOVERN YOUR OWN LIVES AND YOUR OWN PERSONAL INTERESTS. IN OTHER WORDS, USE YOUR COMMON SENSE. YOU SHOULD ALSO CONSIDER THE MANNER AND THE APPEARANCE OF THE WITNESSES ON THE WITNESS STAND. YOU SHOULD CONSIDER ANY BIAS OR INTEREST THAT THE WITNESSES MAY HAVE IN THE CASE. YOU SHOULD CONSIDER THE OPPORTUNITY THAT THE WITNESSES MAY HAVE TO KNOW ABOUT THE FACTS ABOUT WHICH THEY HAVE TOLD US. YOU SHOULD CONSIDER THE REASONABLENESS OR THE

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UNREASONABLENESS OF THEIR TESTIMONY. YOU SHOULD CONSIDER THE EXTENT TO WHICH A WITNESS' TESTIMONY HAVE BEEN CORROBORATED BY OTHER WITNESSES OR THE EXTENT BY WHICH A WITNESS' TESTIMONY MAY HAVE BEEN CONTRADICTED BY OTHER WITNESSES. YOU SHOULD CONSIDER ANY OTHER CIRCUMSTANCES WHICH YOU BELIEVE SHED LIGHT UPON THE TRUTH OR THE FALSITY OF ANY TESTIMONY. IT IS FINALLY UP TO YOU AND YOU ALONE TO JUDGE THE TESTIMONY THAT YOU HAVE HEARD, AND YOU WILL DECIDE WHAT WEIGHT THAT YOU WILL GIVE TO THAT TESTIMONY.

MEMBERS OF THE JURY, WHEN YOU RETIRE TO GO INTO THE JURY DELIBERATION ROOM, YOUR FIRST ORDER OF BUSINESS IN THE JURY DELIBERATION ROOM IS TO SELECT ONE AMONG YOURSELVES TO BE THE FOREPERSON. AS I STATED, WE USED TO CALL THEM THE FOREMAN, BUT NOW WE CALL THAT PERSON THE FOREPERSON, AND IT MAY BE A MAN OR WOMAN, AND IT WILL BE THAT PERSON'S DUTY, THAT IS THE FOREPERSON'S DUTY TO CONDUCT THE BALLOTING ON THE VERDICTS, TO WRITE THE VERDICTS ON THE VERDICT SLIPS, TO DATE THE VERDICT SLIPS, TO SIGN THE VERDICT SLIPS, AND TO BRING THE VERDICT SLIPS BACK INTO THE COURTROOM WHEN YOU ALL COME BACK WITH YOUR VERDICTS. HOWEVER, THE PERSON WHO IS SELECTED AS FOREPERSON CARRIES NO MORE WEIGHT IN THE BALLOTING ON THE VERDICTS THAN THE REST OF YOU.

BEFORE YOU RETIRE TO DELIBERATE UPON THESE VERDICTS, I WOULD LIKE TO PROVIDE YOU WITH SOME FINAL GUIDELINES FOR THE WAY IN WHICH YOU SHOULD CONDUCT YOUR DELIBERATIONS. AS YOU KNOW, IT HAS

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BEEN MY RESPONSIBILITY TO DECIDE AND TO MAKE RULINGS UPON QUESTIONS OF LAW. THEREFORE, YOU MUST ACCEPT THESE RULINGS THAT I HAVE MADE AS THEY APPEAR IN MY INSTRUCTIONS TO YOU. HOWEVER, I AM NOT THE JUDGE OF THE FACTS. IT IS NOT FOR ME TO DECIDE WHAT THE TRUE FACTS ARE. YOU, THE JURY, ARE THE SOLE JUDGES OF THE FACTS IN THE CASE. IT WILL BE YOUR RESPONSIBILITY AND YOUR RESPONSIBILITY ALONE TO CONSIDER THE EVIDENCE, TO FIND THE FACTS, APPLY THE LAW AS I GIVE IT TO YOU TO THE FACTS AS YOU FIND THEM TO BE, AND THUS IT WILL BE UP TO YOU TO MAKE UP YOUR VERDICTS IN THAT FASHION. IT WILL BE UP TO YOU AND YOU ALONE TO DETERMINE WHETHER EITHER OR BOTH OF THESE DEFENDANTS ARE GUILTY OR NOT GUILTY OF THE CHARGES AGAINST HIM OR THEM. I AM SURE THAT YOU REALIZE THAT THE DECISION IN THESE CASES AS IN EVERY CASE A JURY HEARS IS A MATTER OF CONSIDERABLE IMPORTANCE. REMEMBER THAT IT IS YOUR SWORN OBLIGATION TO PERFORM THESE DUTIES AND RESPONSIBILITIES, AND TO REACH VERDICTS BASED ON THE EVIDENCE AS IT WAS PRESENTED DURING THESE TRIALS. HOWEVER, IN DECIDING THE FACTS, YOU MAY PROPERLY APPLY YOUR OWN COMMON SENSE AND USE YOUR OWN LIFETIME EXPERIENCES THAT EACH OF YOU HAVE HAD DURING YOUR LIFETIME. YOU MUST KEEP YOUR DELIBERATIONS FREE FROM BIAS, PREJUDICE, AND SYMPATHY. BOTH THE COMMONWEALTH AND THE DEFENDANTS HAVE A RIGHT TO EXPECT YOU TO CONSIDER THESE CASES CONSCIENTIOUSLY AND TO APPLY THE LAW AS THE COURT GIVES IT TO YOU.

WHEN I SAID A LITTLE EARLIER THAT YOUR VERDICTS MUST BE UNANIMOUS, THIS MEANS THAT EACH ONE OF YOU INDIVIDUALLY MUST

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AGREE UPON THE VERDICTS RENDERED. YOU DO HAVE A DUTY TO TALK TO EACH OTHER IN THE JURY DELIBERATION ROOM. UP TO THIS POINT, I HAVE BEEN TELLING YOU NOT TO TALK ABOUT THE CASE AMONG EACH OTHER. NOW, I TELL YOU THAT WHEN YOU GO INTO THE JURY DELIBERATION ROOM TO DECIDE UPON THESE VERDICTS, THAT YOU DO HAVE A DUTY AND AN OBLIGATION TO DISCUSS WITH EACH OTHER THE FACTS OF THESE CASES. HOWEVER, EACH ONE OF YOU MUST INDIVIDUALLY ARRIVE AT YOUR OWN INDIVIDUAL VERDICTS. NOW, IF YOU FIND THAT YOUR OWN INDIVIDUAL JUDGMENT IS ERRONEOUS AFTER YOU HAVE CONSULTED WITH YOUR FELLOW JURORS, OR IF YOU HAVE MISHEARD SOMETHING, OR IF YOU ARE MISAPPLYING THE LAW, CERTAINLY AFTER CONSULTING WITH YOUR FELLOW JURORS, DO NOT HESITATE TO CHANGE YOUR OWN INDIVIDUAL JUDGMENT. HOWEVER, DO NOT CHANGE YOUR OWN INDIVIDUAL VERDICT SOLELY FOR THE PURPOSE OF GOING ALONG WITH YOUR FELLOW JURORS, OR FOR THE PURPOSE OF MERELY COMING BACK INTO THE COURTROOM AND SAYING THAT YOU HAVE VERDICTS.

ALSO, I WOULD LIKE TO SUGGEST TO YOU, AND THIS IS REALLY COMMON SENSE, YOU WILL BE ABLE TO GET ALONG BETTER WITH EACH OTHER IF YOU WILL TREAT EACH OTHER'S VIEWS AND TREAT EACH OTHER PERSONALLY WITH THE SAME COURTESY AND RESPECT THAT YOU TREAT EVERYBODY THAT YOU MEET IN YOUR OWN EVERYDAY LIVES.

THE COURT: Do counsel have any additions or corrections, Mr. Warman?

MR. WARMAN: No, Your Honor.

THE COURT: Mr. Izzo?

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MR. IZZO: None, Your Honor.

THE COURT: Mr. Cupp?

MR. CUPP: None, Your Honor.

BY THE COURT:

AT THIS TIME, IT IS MY DUTY TO DISCHARGE THE TWO ALTERNATE JURORS. MR. ZINN AND MRS. OZANICH, YOU WERE SELECTED AS ALTERNATE JURORS OR SUBSTITUTES IN THE EVENT THAT SOMETHING UNFORTUNATE SHOULD HAPPEN TO ANY OF THE TWELVE PRINCIPAL JURORS. VERY FORTUNATELY, NOTHING HAS HAPPENED TO THE TWELVE, THEY ARE ALL ENTACTED, AND YOUR SERVICES ARE NOT NEEDED. YOU ARE NOT PERMITTED UNDER THE LAW TO DELIBERATE WITH THE PRINCIPAL JURORS ON THE VERDICTS. THEREFORE, AT THIS TIME, I AM GOING TO DISCHARGE YOU FROM THIS CASE. ALSO, I AM SURE YOU REALIZE OR MAY KNOW THAT THE OTHER JURORS FOR THE WEEK HAVE BEEN SENT HOME. THERE ARE NOT MORE CASES EXCEPT THOSE THAT ARE CURRENTLY IN PROGRESS. SO, YOUR SERVICES AS JURORS IN OTHER CASES ARE NO LONGER NEEDED. I WOULD CERTAINLY BE REMISS ON MY OWN BEHALF AND ON BEHALF OF ALL OF THE JUDGES AND ALL OF THOSE AFFILIATED IF I DID NOT EXTENDEVERYBODY'S THANKS TO THE TWO OF YOU FOR BEING WITH US THIS WEEK. WE REALIZE THAT YOU HAVE TAKEN TIME OUT OF YOUR BUSY LIVES TO BE WITH US, AND I AM SURE THAT YOU REALIZE THAT YOU HAVE PERFORMED AN ADMIRABLE AND PATRIOTIC DUTY BY BEING ON JURY DUTY THIS WEEK, AND FOR THAT REASON, IF FOR NO OTHER REASON, YOU HAVE OUR THANKS. WHEN YOU LEAVE, WE WANT YOU TO LEAVE THOSE BADGES WITH US THAT YOU HAVE. WE WILL

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NEED THEM THE WEEK AFTER NEXT FOR CIVIL COURT. IF YOU WILL GO DOWN TO THE CLERK OF COURTS OFFICE, THERE WILL BE VOUCHERS FOR YOU TO SIGN AND IN SEVERAL WEEKS OR SO, YOU WILL RECEIVE A TOKEN OF OUR APPRECIATION FOR YOUR BEING HERE. THAT IS NOT PAYMENT. WE CANNOT PAY YOU THE VALUE OF YOUR SERVICES AS JURORS, BUT IT IS MERELY A TOKEN. SO, IF YOU WILL NOW LEAVE AND LEAVE YOUR BADGES WITH US, AND GO DOWN TO THE CLERK OF COURTS OFFICE, THAT WILL TERMINATE YOUR DUTY AS JURORS THIS WEEK, AND, AGAIN, THANK YOU VERY MUCH.

(The two alternate jurors were discharged from the case)
BY THE COURT:

IN CONCLUSION, MEMBERS OF THE JURY, I NEED HARDLY AGAIN REMIND YOU OF THE IMPORTANCE OF THESE CASES. IT CERTAINLY IS IMPORTANT TO THE DEFENDANT AND IT NEEDS NO ARGUMENT TO SHOW THE IMPORTANCE OF THESE CASES TO THE PEOPLE OF THE COMMONWEALTH OF PENNSYLVANIA. DECIDE THESE CASES ONE WAY OR ANOTHER IN ACCORDANCE WITH THE FACTS AS YOU FIND THEM TO BE, IN APPLYING THE LAW AS I HAVE GIVEN THE LAW TO YOU. TAKE AS MUCH TIME AS THESE CASES REQUIRE, BECAUSE AS I HAVE STATED TO YOU, THE CASES ARE IMPORTANT TO ALL CONCERNED. YOU MAY NOW RETIRE TO DELIBERATE UPON YOUR VERDICTS.

(The jury panel was escorted into the jury deliberation room)

THE COURT: You may announce a recess while
we await the verdicts of the jury.

COURT RECESSED AT 2:43 P.M.

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COURT RECONVENED AT 4:15 P.M.

THE COURT: The Court has been informed that the jury has verdicts in these cases. Is that correct? Who is the foreperson?

BADGE NO. 75: (Indicating).

THE COURT: Does the jury have verdicts in these cases?

BADGE NO. 75: Yes, Your Honor.

THE COURT: Your name, please?

BADGE NO. 75: Gary Kurtz, Badge 75.

THE COURT: You are the foreperson of the jury?

BADGE NO. 75: Yes, sir.

THE COURT: Very well. You may take the verdicts of the jury.

THE CLERK: Members of the jury, please stand. Members of the jury, have you agreed upon a verdict in the issue joined between the Commonwealth of Pennsylvania and the defendants, Robert Keith Price and Ellis Roy Price? How say you? Are the defendants guilty in the manner and form as they stand indicted or not guilty?

THE COURT: Mr. Kurtz, these are the verdicts of the jury?

BADGE NO. 75: Yes, Your Honor.

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THE COURT: Very well. You may take the verdicts.

THE CLERK: Members of the jury, harken unto your verdict as the Court has recorded it wherein you find the defendants, Robert Keith Price, at No. 110 of 1986, criminal attempt to commit criminal homicide, Raymond Ricker, guilty; recklessly endangering another person, Raymond Ricker, guilty; Robert Keith Price, aggravated assault, Raymond Ricker, guilty, did attempt to cause or intentionally or knowingly did cause serious bodily injury to Raymond Ricker under circumstances manifesting an extreme indifference to the value of human life; Robert Keith Price, criminal attempt to commit criminal homicide, Richard Pletcher, guilty; Robert Keith Price, recklessly endangering another person, Richard Pletcher, guilty; Robert Keith Price, aggravated assault, Richard Pletcher, guilty, did attempt to cause or intentionally, knowingly, or recklessly did cause serious bodily injury to Richard Pletcher under circumstances manifesting an extreme indifference to the value of human life; Ellis Roy Price, 154 of 1986, criminal attempt to commit criminal homicide, Richard Pletcher,

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guilty; Ellis Roy Price, recklessly endangering another person, Richard Pletcher, guilty; Ellis Roy Price, aggravated assault, Richard Pletcher, guilty, did attempt to cause of intentionally, knowingly, or recklessly did cause serious bodily injury to Richard Pletcher under circumstances manifesting an extreme indifference to the value of human life. And so say you all. Please be seated.

THE COURT: Is there any member of the jury who does not agree that those verdict slips represent the verdicts of the jury? If so, please raise your hand. We see no hands raised. At this time, we are going to ask each one of you jurors individually what your own individual verdict was against each of the defendants for each of the counts.

THE CLERK: (The clerk polled the jury panel, and each member individually answered as follows: Robert Keith Price, No. 154 of 1986, criminal attempt to commit criminal homicide, Raymond Ricker, guilty; No. 154 1/8 of 1986, aggravated assault, Raymond Ricker, guilty; No. 154 2/8 of 1986, recklessly endangering another person, Raymond Ricker, guilty; No. 154 4/8 of 1986,

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criminal attempt to commit criminal homicide, Richard Pletcher, guilty; No. 154 5/8 of 1986, aggravated assault, Richard Pletcher, guilty; No. 154 6/8 of 1986, recklessly endangering another person, Richard Pletcher, guilty; Ellis Roy Price, No. 110 4/8 of 1986, criminal attempt to commit criminal homicide, Richard Pletcher, guilty; No. 110 5/8 of 1986, aggravated assault, Richard Pletcher, guilty; No. 110 6/8 of 1986, recklessly endangering another person, Richard Pletcher, guilty.) And so say you all.

THE COURT: Members of the jury, this concludes your services in this case, and it likewise concludes your services as jurors for the week. I'm not going to keep you very long. I'm not going to make my usual long speech in closing to you. I'm merely going to say that we certainly want to thank you on behalf of myself and all of those affiliated with the courts for the services that you have rendered, not only in this case, but throughout the whole week. You certainly have performed one of the most important duties of your being citizens of this great nation, that is serving on a jury, and without fine people like you, our system of justice could not continue,

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because our system of justice is a unique one where we judge people not by one or two or three or a handful, but by twelve people from the community from all walks of life, and that is the way it should be, and thanks to good people like you, that is the way it has continued to be. When you leave this afternoon, please leave us your badges. We will need them in a few days for other trials. Also, when you leave, go to the Clerk of Courts Office on the first floor, and you will sign vouchers there, and as I told the two alternates, you will receive a check in a short while, but that check in no way can compensate you for the value of your services, the same as those of you who are in the military service. The money you received being in the service could in no way compensate you for the value of that service that you rendered, but it is just a token of your being reminded that you were on jury duty and served your patriotic duty. Also, those of you who may have wanted letters verifying the fact you are on jury duty, those letters ought to be down there. In conclusion, I extend to you my own personal thanks. I wish you all good health and God bless all of you. You are now excused and discharged.

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(The jury panel was discharged from the case)

THE COURT: Will the defendants please stand? You may remain at counsel table. Now that you have been found guilty of criminal offenses, I must advise you of certain rights, and your attorneys will likewise advise you of rights, and you may ask them if you have any questions. You do have the right -- I might say also, what I'm doing, I'm talking to both of you. So, these rights I'm telling you, I'm telling these to both of you. You do have a right to file a motion in arrest of judgment within ten days from today on grounds of errors appearing on the face of the record, or because the evidence was insufficient to sustain the charges, or because the Court did not have jurisdiction. If you file these motions in arrest of judgment within ten days from this date and should the Court rule favorable to you on such a motion, then the charges against you would be dismissed, and you would be discharged. You also have a right to within ten days from today to file a motion for a new trial. This motion would be filed on grounds of trial errors that may have been prejudicial to you, or because the verdict was against the -- the verdicts were

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against the weight of the evidence, or for other possible reasons. If you file this motion for a new trial within ten days from today and should the Court rule favorable to you, then the result would be that you would be granted the right to stand trial again. Now, you will have the right to have your court-appointed lawyers to continue to guide you and direct you to file these papers for you, to consult with you, and to counsel you in filing these motions at no expense. They will continue to represent you. If you want to hire your own lawyer and take further action, you certainly may do so, but you will be paying for the services of your lawyer and any other attendant costs, including transcript costs. Now, if you should file these motions within ten days from today as I'm now telling you about and should the Court rule against you, then you have the right to appeal to the Superior Court of Pennsylvania only on the grounds that are contained in those motions, and you, of course, will have the same right to the services of free lawyers to assist you in filing those appeals. Now, if you do not file these motions within ten days from today or should you file them and voluntarily withdraw them,

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the legal effect will be that the verdicts against you then will stand, and you will be waiving or giving up your right to file such motions and to appeal to a higher court on matters that could have been contained in those motions with the exception of the matter of jurisdiction. By jurisdiction, we mean the legal right of this Court to hear these charges. For example, if these charges or offenses did not happen in Fayette County, we would not have jurisdiction. Now, gentlemen, I'm not advising you or encouraging you or discouraging you whether to file these motions, nor am I indicating to you how the Courts would rule if you file these motions. I'm merely advising you that you have the right to file these motions. You have the right to be advised and guided free of charge by your court-appointed lawyer or by your own lawyer if you want to hire a lawyer, and that they will advise you and guide you and direct you in doing these things, and I'm telling you about the periods of time within which these motions must be filed, within ten days of this date. Ellis Price, do you understand these rights that I have been explaining to you?

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ELLIS ROY PRICE: Yes, Your Honor.

THE COURT: Do you have any questions about the rights I have explained to you?

ELLIS ROY PRICE: No, Your Honor.

THE COURT: Is there anything that you want to ask me or anything that you want to state to me?

ELLIS ROY PRICE: No, Your Honor.

THE COURT: Are you satisfied up to this point with the representation you have received from your court-appointed attorney, Carl Izzo?

ELLIS ROY PRICE: Yes, Your Honor.

THE COURT: Do you have any complaints about the trial strategy or how he has represented you?

ELLIS ROY PRICE: No, Your Honor.

THE COURT: Robert Keith Price, do you understand these rights that I have been explaining?

ROBERT KEITH PRICE: Yes, sir.

THE COURT: Do you have any question about anything I have stated?

ROBERT KEITH PRICE: No, sir.

THE COURT: Is there anything that you want to state to me or to your attorney at this time?

ROBERT KEITH PRICE: I'll tell my attorney.

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THE COURT: Do you have anything you want to ask me?

ROBERT KEITH PRICE: No, sir.

THE COURT: Are you satisfied up to this point in time with the representation that you have received from your court-appointed attorney, John Cupp?

ROBERT KEITH PRICE: Yes, sir.

THE COURT: Do you have complaints about how he has represented you?

ROBERT KEITH PRICE: No, sir.

THE COURT: You are satisfied then?

ROBERT KEITH PRICE: Yes, sir.

THE COURT: Is there anything further that you want to say to the Court?

ROBERT KEITH PRICE: I didn't do it.

THE COURT: All right. Mr. Cupp, is there anything I misstated or omitted stating?

MR. CUPP: No, Your Honor.

THE COURT: Mr. Izzo, did I misstate anything or leave anything out in advising your client of his rights?

MR. IZZO: No, Your Honor.

THE COURT: Mr. Warman, did I misstate anything or omit anything?

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MR. WARMAN: No, Your Honor.

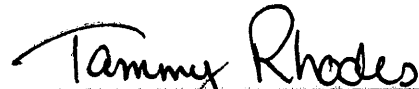
THE COURT: Very well. The defendants
will stand committed as they have not made bond.

COURT ADJOURNED AT 4:45 P.M.

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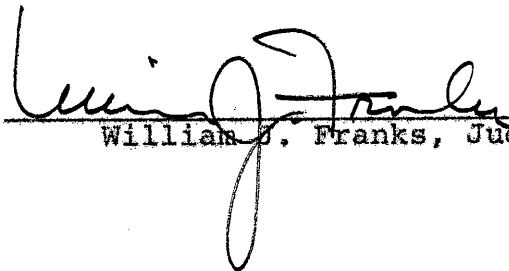
CERTIFICATE

I hereby certify that the foregoing is a true and correct record of the proceedings in the within styled matter and that the copies are a correct transcript of the same.



Tammy Rhodes
Official Court Reporter

The foregoing record of the proceedings in the within styled matter is hereby approved and directed to be filed.



William J. Franks, Judge